

CERTIFICATION OF EMERGENCY RULES
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OTHNI LATHRAM, INTERIM DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and
41-22-6(c) (2)a. and b.

I certify that the attached emergency (amendment, new rule, new
chapter, repeal or adoption by reference) is a correct copy as
promulgated and adopted on the 29th day of February, 2016.

AGENCY NAME: Secretary of State

RULE NO. AND TITLE: 820-2-10-.22ER Minimum Criteria to Ensure
Secure Electronic Return of Voted Absentee Ballots

EFFECTIVE DATE OF RULE: February 29, 2016.

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY: These emergency rules are necessary to
implement secure electronic return of voted UOCAVA ballots by
eligible UOCAVA voters.

STATUTORY AUTHORITY: Code of Alabama 1975, sections 17-11-40 et
seq.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS X YES NO

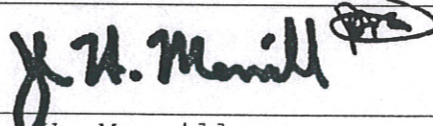
NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR
COPY OF RULE:

REC'D & FILED

FEB 29 2016

LEGISLATIVE REF SERVICE

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John H. Merrill
Secretary of State

FILING DATE (For APA Use Only)

STATE OF ALABAMA
OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODE

CHAPTER 820-2-10
PROCEDURES FOR THE SECURE ELECTRONIC RETURN OF VOTED UOCAVA
BALLOTS

**820-2-10-.22ER Minimum Criteria To Ensure Secure Electronic
Return of Voted Absentee Ballots.**

The minimum criteria to ensure the secure electronic return of voted absentee ballots shall include the following:

(1) The capability for secure access by the overseas voter to the electronic ballot transmission server.

(2) The capability to verify the identity of the overseas voter before granting access to the electronic ballot transmission server.

(3) The capability for secure transmission of the voted ballot to the local absentee election manager.

(4) The capability to verify the identity of the overseas voter transmitting the voted ballot to the local absentee election manager.

(5) The use of encrypted information, including, but not limited to, ballots, passwords, and both public and private encryption keys.

(a) A public or private key encryption methodology shall include key generation under the control of the Secretary of State.

(b) A password protected private key shall be held secure by the county appointing board, as applicable, and never transmitted or otherwise divulged by any means.

(c) A password protected private key that is unique for each eligible overseas voter to digitally sign the ballot for transmission and storage before decryption by the canvassing board or the absentee election manager.

(6) The capability for auditing the secure remote voting application source code, and the capability for this application

to be executed on a clean computer which, at a minimum, has a baseline operating system on its hard disk and no other software or driver installed.

(7) The capability to secure access to and from the overseas voter and the voting server or the voting database platform or both.

(8) The verification of the authenticity of the identity of the overseas voter before granting access to the transmission of election material.

(9) The capability for the overseas voter to determine that the secure transmission of election material was successful.

(10) The capability for the absentee election manager to segregate rejected ballots before decryption.

(11) The capability to record election material received by secure transmission.

(12) The capability for the absentee election manager to produce a marked paper ballot for each vote cast by secure transmission.

(13) The capability for the overseas voter to securely and electronically execute the "Overseas Voter Certificate" as provided for in §17-11-46, if the UOCAVA voter is submitting the voted ballot by secure electronic transmission.

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Statutory Authority: Code of Ala. 1975, §§17-11-40 *et seq.*

History: Filed February 29, 2016; Effective February 29, 2016